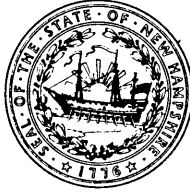


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August 13, 1987

Carl C. McKinney
Chief
Enforcement Division
N.H. Liquor Commission
Storrs Street
Concord, New Hampshire 03301

Dear Mr. McKinney:

You have asked that I review an opinion issued by this office on July 23, 1986 which discussed the authority of agents of the Liquor Commission to carry firearms while conducting business. As you know, that opinion addressed only special agents who were appointed pursuant to RSA 176:8 and did not address agents appointed under the authority of RSA 182:2. To the extent that Liquor Investigators are performing duties pursuant to RSA 182:2, it is our opinion that they have the authority to carry firearms.

Our previous opinion analyzed the authority of Liquor Investigators pursuant to RSA 176:8. As was stated in that opinion, the powers of special agents appointed under that section are limited to examining licenses and reporting violations. However, RSA 182:2 also allows the Liquor Commission to appoint agents. It provides in pertinent part:

Prosecutions. The commission shall, for the proper prosecution of any violation of this title, appoint agents whose duty it shall be and who shall have the power to prosecute any person guilty of any violation of said title. The commission shall fix the compensation of such agents, subject to the regulations of the state personnel commission. Said agents shall have all the powers of the

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Supplementing Prior
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LAW DIVISION



Carl C. McKinney
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sheriff in any county, with reference to the laws concerning liquor and beverage, and the enforcement of such laws, either in cooperation with, or independently of, the officers of any county or town.

Agents of the Liquor Commission who are appointed pursuant to this section have police and enforcement power. Specifically, these agents have all the powers of the sheriff in any county, with reference to the laws concerning liquor and beverage, and the enforcement of such laws.

In our opinion of July 23, 1987, we stated, "Absent specific authority to carry firearms or police or enforcement powers, the liquor investigators are not authorized to carry firearms." We also discussed RSA 159:4 and 5. Those sections provide that firearms cannot be carried without a license unless an individual falls into one of the exceptions contained in RSA 159:5. One of the exceptions applies to sheriffs. RSA 182:2 gives agents of the Liquor Commission appointed pursuant to that provision police and enforcement powers. To the extent that Liquor Investigators "have all the powers of the sheriff in any county," they would be authorized to carry firearms without a license pursuant to RSA 159:5.

I trust this has been responsive to your inquiry. If you have any questions about this matter, please contact me.

Very truly yours,



Daniel J. Mullen
Assistant Attorney General

DJM/jwt

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